IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPL. NO. 5616 OF 2004.
IN
CRIMINAL APPEAL NO. 1468 OF 2004.

Robert Sunny Peris. ..Applicant.

VERSUS.

The State of Maharashtra. ..Respondent.

...

Mr. V.T.Tulpule i/b Tirath Singh for the applicant.

Mr. B.R.Patil, APP for the State.

CORAM: S. B. MHASE &
ANOOP V. MOHTA, JJ.

DATE : DECEMBER 15, 2004.

P.C.:-

1. Heard. This is an application to suspend the sentence and grant of bail filed by the applicant-accused. The accused is husband of the deceased. The only evidence is in the form of dying declarations of the deceased. There are four dying declarations on record. They are as follows:

(1) There was kerosene tin lamp and I wanted to go to bathroom and I had wore nylon saree, suddenly it touched my saree and I got burnt.

(2) On 4.3.1988 at 3.00 a.m. I woke up to

answer the nature's call and while going to bathroom lantern fell down on my person and due to which my saree got fire, I sustained burnt injuries.

(3) At 5.00 p.m., on 3.3.1988 he (accused) pushed me on ground and poured kerosene on me and put light and he ran away.

(4) On 3.3.1988, at about 4.30 a.m. my husband picked up a quarrel with me and poured a kerosene oil over my body and then he left the house.

2. The discrepancies in the dying declarations are self explanatory. This persuades us to suspend the sentence of the applicant - accused. It is further to be mentioned that during trial since 1988, the accused was on bail. There are two kids in the family. In the circumstances, we pass the following order.

O R D E R.

(1) The sentence of applicant - Robert Sunny Peris awarded by the Sessions Judge, Mumbai in Sessions Case No.685 of 1989 vide its judgment dated 30.10.2004 is suspended till the final disposal of

the appeal.

(2) The applicant be released on his furnishing bail of Rs.10,000/- with a surety of like amount.

(3) The applicant shall submit the address of his residence to this court within a period of one week from the date of his release and shall not change the same unless the permission is granted by this court.

(4) The applicant shall report to the Sahar Airport Police Station once in a week, on Sunday between 10.00 a.m. to 12.00 noon.

(5) The application is accordingly disposed of.

(ANOOP V.MOHTA, J.) **(S.B.MHASE,J.)**